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REMARKS

Claims 1-42 are currently pending in the subject application and are presently under consideration. Claims 1, 20 and 42 have been amended as shown at pages 2 - 7 of the Reply. Claims 8 and 28 have been cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1, 3-6 and 41 Under 35 U.S.C. §102(e)**

Claims 1, 3-6 and 41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Wookey (U.S. 2002/0147974). Withdrawal of this rejection is respectfully requested for at least the following reasons. The cited reference does not teach or suggest all the claimed features.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed invention generally relates to modifying applications according to determined environment parameters of a target-operating environment. To this end independent claims 1 and 41 recite similar features namely: *a display component to specify the application to be modified and a target-operating environment*. Application modification display component consists of an application browser and an operating environment browser among other components. The application browser allows a user to specify an application to be modified, for example, from a drive B within folder C. The operating environment browser provides for targeting an operating environment with an application. Wookey does not teach or suggest such novel claim features.

Wookey relates to a method and installation system for implementing remotely installing systems management software on a host. (Abstract of Wookey) At page 4 of the Office Action dated January 4, 2006 the Examiner contends that the site profile viewer 140 of Figure 1 anticipates such a display component. It is respectfully submitted to the Examiner that the site

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profile viewer is a browser or other interface for viewing or editing site profile information from memory 120, 130. In fact, the software to be installed is pre-determined according to the environment variables and is not open to a user's choice. (*The environment information is utilized by the survey tool and/or the installation service device 114 to select appropriate agent software from the payload files 118 for installation on the managed host.* - Wookey paragraph [0028]). Therefore it is clear that Wookey does not teach **a display component to specify the application to be modified and a target-operating environment** as claimed by Applicants' invention. In view of at least the above it is respectfully requested that this rejection of independent claims 1, 41 and all the claims that respectively depend from them be withdrawn.

## II. Rejection of Claims 21, 24 and 41 Under 35 U.S.C. §102(b)

Claims 21, 24 and 41 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kumar, *et al.* (U.S. 5,944,819). Withdrawal of this rejection is respectfully requested for at least the following reasons. The cited reference does not teach or suggest all the claimed features.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed invention generally relates to modifying applications according to determined environment parameters of a target-operating environment. To this end independent claims 21 and 41 disclose similar features namely: **selecting at least one application to be modified and at least one operating environment to be targeted.** According to the methodology disclosed by the claimed invention, initially the user is prompted to identify the application for modification and the operating environment that is to be targeted by the application. Accordingly an appropriate line of interrogation is determined based upon the application and the operating environment selected by the user. Kumar *et al.* does not disclose such novel features of the claimed invention.

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Kumar *et al.* relates to a technique for optimizing performance of a software program in accordance with computer resources. System and method are disclosed wherein a software initially queries a computer for its hardware attributes at run-time. According to the learned attributes of the computer, the software optimizes the code to be executed by the computer. Nowhere does Kumar *et al.* disclose or suggest that a user can select the software to be modified for execution or the computer that executes the software. Therefore it can be concluded that Kumar *et al.* does not teach or suggest *selecting at least one application to be modified and at least one operating environment to be targeted*. In view of at least the above it is requested that this rejection of independent claims 21, 41 and dependent claim 24 be withdrawn.

### III. Rejection of Claim 2 Under 35 U.S.C. §103(a)

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wookey. This rejection should be withdrawn for at least the following reasons. Wookey does not teach or suggest all features recited in the subject claim.

Claim 2 depends from independent claim 1. Independent claim 1 recites an application modifier system, comprising: *a display component to specify the application to be modified and a target-operating environment*. Wookey relates to a method and installation system for implementing remotely installing systems management software on a host. However as discussed *supra* in connection with independent claim 1, Wookey fails to teach or suggest *a display component to specify the application to be modified and a target-operating environment*. Based on at least the foregoing, withdrawal of this rejection is respectfully requested.

### IV. Rejection of Claims 10-17, 22-23, 25-26, 30-37 and 42 Under 35 U.S.C. §103(a)

Claims 10-17, 22-23, 25-26, 30-37 and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kumar, et al. (U.S. 5,944,819) in view of Rechter (U.S. 6,698,014). Withdrawal of this rejection is requested for at least the following reasons. Neither of the cited references teaches nor suggests all the features recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the

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knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. ***Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j).***

The claimed invention generally relates to modifying applications according to determined environment parameters of a target-operating environment. To this end independent claims 10, 30 and 42 disclose similar features namely: ***a virtual code component that utilizes .NET virtual machine code-ability mechanisms to convert managed code into native computer assembly.*** Accordingly a user can design a generic application and/or managed code which can be deployed across a variety of operating environments regardless of the under lying platform. Neither Kumar *et al.* nor Rechter disclose such novel features of the claimed invention.

As acknowledged by the Examiner Kumar *et al.* does not disclose a virtual code component that utilizes .Net virtual machine code-ability mechanisms to convert managed code into native computer assembly. Rechter relates to a system and method to convert source code from a first software language and platform to a second software language and platform. On page 6 of the Office Action dated January 4'06, the Examiner contends that Rechter teaches virtual code component that utilizes a code analyzer and deconstructor mechanisms to convert managed code into native computer assembly. Applicants' representative respectfully disagrees. At the cited section, the reference teaches a source-code analyzer and deconstructor for breaking the source code into parts and adding associated records to the gateway tables (Column 4 lines 60 – 63). This data in the gateway tables is converted to generic entries (Column 5 lines 28 – 29). Code generator utilizes optimized data in the gateway table to generate new source code (Column 5 lines 55 – 56). Nowhere does Rechter teach or suggest a virtual code component that utilizes .NET virtual machine to provide manage code that should be converted into ***native computer assembly*** at runtime as disclosed in Applicants' claimed invention.

Regarding claims 22, 23, 25 and 26, these claims depend from independent claim 21. As discussed *supra* in connection with independent claim 21, Kumar *et al.* fails to teach or suggest ***selecting at least one application to be modified and at least one operating environment to be targeted.*** Rechter fails to make up for this deficiency of Kumar *et al.* Therefore a combination of the cited references fails to make the invention as recited in the subject claims obvious, since

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all the claimed features are not taught by the combination. In view of at least the foregoing it is requested that this rejection of independent claims 10, 30, 41, all the claims that depend from them as well as claims 22-23 and 25-26 be withdrawn.

**V. Rejection of Claims 18-20 and 38-40 Under 35 U.S.C. §103(a)**

Claims 18-20 and 38-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kumar, et al./Rechter as applied to claim 10 and further in view of Wookey. This rejection should be withdrawn for at least the following reasons.

Claims 18 – 20 and 38 – 40 depend from independent claims 10 and 30 respectively. Independent claims 10 and 30 recite an application modifier system, comprising: ***a virtual code component that utilizes .NET virtual machine code-ability mechanisms to convert managed code into native computer assembly.*** Wookey relates to a method and installation system for implementing remotely installing systems management software on a host. However as discussed *supra*, a combination of Kumar et al. and Rechter fails to make obvious, the invention as recited in the base claims 10 and 30. Wookey fails to make up for this deficiency. Specifically, Wookey does not teach or suggest ***a virtual code component that utilizes .NET virtual machine code-ability mechanisms to convert managed code into native computer assembly.*** Based on at least the foregoing, withdrawal of this rejection is requested with respect to claims 18 – 20 and 38 – 40 that depend from independent claims 10 and 30 respectively.

**VI. Rejection of Claims 27-29 Under 35 U.S.C. §103(a)**

Claims 27 - 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kumar, et al. as applied to claim 21 and further in view of Wookey. This rejection should be withdrawn for at least the following reasons.

Claims 27 - 29 depend from independent claim 21. Independent claim 21 recites an application modifier method comprising: ***selecting at least one application to be modified and at least one operating environment to be targeted.*** Wookey relates to a method and installation system for implementing remotely installing systems management software on a host. However as discussed *supra* in connection with independent claim 20, Wookey fails to teach or suggest ***selecting at least one application to be modified and at least one operating environment to be targeted. environment.*** Kumar *et al.* relates to a technique for optimizing performance of a

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software program in accordance with computer resources. But Kumar et al. fails to make up for the aforementioned deficiency of Wookey vis-à-vis the independent base claim 21. Therefore it can be concluded that a combination of Kumar et al. and Wookey fails to make obvious the claims 27 – 29. Based on at least the foregoing, withdrawal of this rejection is respectfully requested.

CONCLUSION

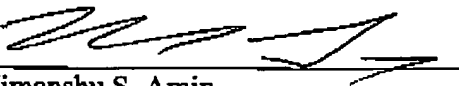
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP310US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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